

LYNCH ICHIDA THOMPSON KIM & HIROTA

TIMOTHY J. HOGAN 5312-0
1132 Bishop Street, Suite 1405
Honolulu, Hawaii 96813
Tel. No. (808) 528-0100
Fax No. (808) 528-4997
E-mail: tjh@loio.com

Attorney for Plaintiff
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,)	
	)	NOTICE OF HEARING OF
vs.	)	PLAINTIFF WAYNE BERRY'S
	)	MOTION IN LIMINE TO
HAWAIIAN EXPRESS SERVICE,	)	EXCLUDE TESTIMONY OF
INC., a California corporation; et al.	)	JEFFREY KINRICH AND
	)	EVIDENCE OF AND ANY
	)	REFERENCE TO THE OPINIONS
	)	CONTAINED IN THE SECOND
	)	SUPPLEMENTAL EXPERT
	)	REPORT OF JEFFREY KINRICH
Defendants.	)	(Plaintiff No. 1)
)	
	)	<u>Hearing:</u>
	)	DATE: February 24, 2006
	)	TIME: 2:00 p.m.
	)	JUDGE: Hon. Susan Oki Mollway
)	
	)	Trial Date: February 28, 2006

NOTICE OF HEARING

TO: LEX R. SMITH, ESQ.
THOMAS YEE, ESQ
Kobayashi Sugita & Goda
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813
Attorneys for Defendant
Fleming Companies, Inc.
C&S Wholesale Grocers, Inc.,
C&S Logistics of Hawaii, LLC,
C&S Acquisitions, LLC, ES3, LLC
and RICHARD COHEN

MICHAEL BAUMANN, ESQ
ERIC LIEBELER, ESQ.
DAMIAN CAPOZZOLA, ESQ.
R. OLIVIA SAMAD, ESQ.
Kirkland & Ellis
777 South Figueroa Street
Los Angeles, CA 90017
Attorneys for Defendant Fleming Companies, Inc.

LYLE HOSODA, ESQ.
345 Queen Street, Suite 804
Honolulu, Hawaii 96813
Attorney for Defendants Mark Dillon,
Brian Christensen and Teresa Noa
Melvin Ponce, Alfreda Waiolama,
Jacqueline Rio, and Justin Fukumoto

NOTICE IS HEREBY GIVEN that **PLAINTIFF WAYNE BERRY'S**
MOTION IN LIMINE TO EXCLUDE TESTIMONY OF JEFFREY
KINRICH AND ANY REFERENCE TO THE OPINIONS CONTAINED IN

THE SECOND SUPPLEMENTAL EXPERT REPORT OF JEFFREY

KINRICH shall come on for hearing before the Honorable Susan Oki Mollway, United States District Judge of the above-entitled Court, in her courtroom in the United States District Court, 300 Ala Moana Boulevard, Honolulu, Hawaii 96813 on February 24, 2006 at 2:00 p.m., or as soon thereafter as counsel can be heard.

Dated: Honolulu, Hawai'i, February 22, 2006

/s/ Timothy J. Hogan
TIMOTHY J. HOGAN
Attorney for Plaintiff WAYNE BERRY